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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,250	04/01/2004	Hrvoje Jasa	JASA 3-4-1	6960

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EXAMINER

COX, CASSANDRA F

ART UNIT PAPER NUMBER

2816

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/814,250	Applicant(s) JASA ET AL.	
	Examiner Cassandra Cox	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5-10 is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive. The rejection with respect to claims 11-20 is repeated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 16 are indefinite because the claims are misdescriptive. The claims disclose comparing a frequency output from any of the plurality of voltage controlled oscillators to a reference frequency, and using the accumulator output to control a frequency output from any one of the plurality of voltage controlled oscillators. However, it is the examiner's understanding that the only the voltage controlled oscillator(s) selected by the state machine for calibration will be used in the frequency locked loop and subsequently controlled by the accumulator output. Is the accumulator included in the frequency locked calibration loop? It appears to the examiner that limitation of "a frequency locked calibration loop to compare a frequency output from any of said plurality of voltage controlled oscillators to a reference frequency", actually refers to the frequency discriminator or comparator (122) and not to the frequency locked calibration loop itself. Correction or clarification is required.

Claims 12-15 and 17-20 are also rejected due to the limitations of the base claims and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive. Applicant argues that while the examiner's understanding of the specification is correct, the claims disclose a different facet of the invention. This alternate "facet of Applicant's invention" (see remarks page 8, paragraph 6) is not supported by the specification and therefore cannot be relied upon by the examiner to determine patentability of the claims. Therefore, the claims are still rejected under 112 second paragraph as being mis-descriptive. Applicant also argues that the frequency

locked calibration loop may include calibration components such as a comparator.

While the examiner agrees, the claim remains mis-descriptive because applicant is attempting to claim the frequency locked calibration loop as a separate element from the accumulator. Based on the examiner's understanding of the specification and the drawings, the accumulator is included in the frequency locked calibration loop as one of the calibration components and as such cannot be claimed separately from the frequency locked calibration loop. Therefore, the rejection is repeated above.

Allowable Subject Matter

5. Claims 1-3 and 5-10 are allowed.
6. Claims 11 (and thereby claims 12-15) and 16 (and thereby claims 17-20) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
7. The following is a statement of reasons for the indication of allowable subject matter: Claims 11-20 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 1 wherein the circuit includes a state machine (130) to select a calibration mode for any of the plurality of voltage controlled oscillators (101-104) and using the output from the selected oscillator in the frequency comparator (122) in combination with the rest of the limitations of the base claims and any intervening claims (this reason for allowable subject matter is based on the examiner's current understanding of the claims).
8. The following is an examiner's statement of reasons for allowance: Claims 1-3 and 5-7 are allowed because the closest prior art of record fails to disclose a circuit as

shown in Figure 1 wherein the method includes accumulating a second digital value (Vc2) and controlling a frequency of a second voltage controlled oscillator (102) based on the accumulated second digital value (Vc2) in combination with the rest of the limitations of the base claims and any intervening claims. Claims 8-10 are allowed because the closest prior art of record fails to disclose a circuit as shown in Figure 1 wherein the method includes selecting a calibration mode for at least one voltage controlled oscillator, while another voltage controlled oscillator is in operational mode and using the selected oscillator in the comparing accumulating and controlling steps in combination with the rest of the limitations of the base claims and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Cox whose telephone number is 571-272-1741. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and on alternate Fridays from 7:30 to 4:00 PM.

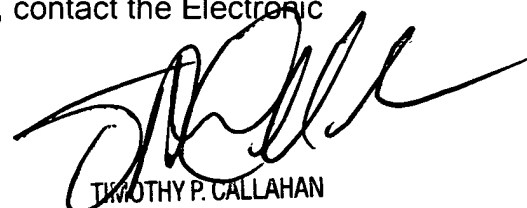
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CC



January 17, 2006



TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800